

BILL NO. S-79-07-04

SPECIAL ORDINANCE NO. S- 117-79

AN ORDINANCE approving a contract between Commercial Warehouse and Cartage, Inc. and the City of Fort Wayne by and through its Department of Public Safety for Fire protection.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated June 1, 1979, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety and Commercial Warehouse and Cartage, Inc., for fire protection from the Fort Wayne Fire Department on specified grounds outside the city limits, described as follows, to wit:

2425 American Way, Allen County, Indiana

SECTION 2. That the cost of Commercial Warehouse and Cartage, Inc. shall be the sum of \$2,421.91, which amount shall be deposited into Fund No. 110 "Fire Fighting Fund" pursuant to Indiana Burns Statutes Annotated Sec. 48-6176.

SECTION 3. That said contract is on file in the Office of the Board of Public Safety and is by reference incorporated herein, and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Virvian A. Schmidt
Councilman

APPROVED AS TO
FORM & LEGALITY
William N. Salin
William N. Salin, City Attorney

Read the first time in full and on motion by V. Schmidt, seconded by

Chapman, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 7-10-79

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
TOTAL VOTES	<u>9</u>	<u>0</u>	_____	_____	_____
BURNS	<u>X</u>	_____	_____	_____	_____
HINGA	<u>X</u>	_____	_____	_____	_____
HUNTER	<u>X</u>	_____	_____	_____	_____
MOSES	<u>X</u>	_____	_____	_____	_____
MUCKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____	_____

STIER

X

TALARICO

X

DATE: 7-24-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. S-117-79 on the 24th day of July, 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winfield C. Mao Jr
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of July, 1979, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 31st day of July, 1979 at the hour of 3 o'clock P M., E.S.T.

Rahab Elumstrong
MAYOR

Bill No. S-79-07-04

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
approving a contract between Commerical Warehouse and Cartage, Inc.
and the City of Fort Wayne by and through its Department of Public
Safety for Fire protection

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance also PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WILLIAM T. HINGA - VICE CHAIRMAN

JAMES S. STIER

JOHN NUCKOLS

DONALD J. SCHMIDT

Vivian G. Schmidt
William T. Hinga
James S. Stier
John Nuckols
Donald J. Schmidt

7-24-79 CONCURRED IN
DATE 7-24-79 CHARLES W. WESTERMAN, CITY CLERK

FIRE PROTECTION CONTRACT

This contract is entered into in duplicate this 1st day of June, 1979 between the City of Fort Wayne, Indiana, acting by and through its Mayor and Board of Commissioners, Department of Public Safety ("CITY"), and Commercial Warehouse and Cartage, Inc. ("Commercial Warehouse").

WHEREAS, Commercial Warehouse is the lessee of certain improvements upon real estate near but outside the corporate limits of the CITY described as follows:

2425 American Way, Allen County, Indiana

and, WHEREAS, Commercial Warehouse desires to be assured that fire protection by CITY is available at its premises,

NOW THEREFORE, in consideration of the premises and the agreements of the parties, it is agreed as follows:

1. Upon the receipt by CITY'S Fire Department of a notification or signal that there is a fire on said premises of Commercial Warehouse, CITY shall cause the proper firefighting station or stations to send such firefighting equipment, materials, and personnel to Commercial Warehouse premises as it reasonably sends to other similar locations within the corporate limits of the CITY.

2. For the firefighting services provided for herein, Commercial Warehouse shall pay to CITY the sum of One and Three Thousand One Hundred Fifty-Nine Thousandths Dollars (\$1.3159) per One Hundred Dollars (\$100.00) of assessed valuation for tax purposes on the improvements situated upon the real estate so defined herein, which assessment is hereby agreed to be established at One Hundred Eighty Four Thousand Fifty Dollars (\$184,050.00). Said sum of \$2,421.91 shall be payable upon execution of this contract.

3. CITY shall cause its fire department personnel to inspect said building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said building, equipment, and facilities and Commercial Warehouse's operations on its premises, so as to determine the types of fire which may reasonably be anticipated on said premises and so as to be able to render service commensurate with existing service conditions.

4. The obligations under this contract shall continue for a period of one year to June 1st, 1980.

5. Notwithstanding the foregoing provisions, this contract shall not become effective until it shall have been signed by the Mayor and the Members of the Board of Commissioners, Department of Public Safety of CITY, and ratified and approved by the Common Council of CITY.

In WITNESS WHEREOF, this agreement has been duly authorized and executed as of the date first above written by the duly authorized officers and representatives of the parties.

COMMERCIAL WAREHOUSE AND CARTAGE, INC.

By: Kent A. Rhodes, Pres

CITY OF FORT WAYNE, INDIANA

By: Robert E. Armstrong
Robert E. Armstrong, Mayor

BOARD OF COMMISSIONERS,
DEPARTMENT OF PUBLIC SAFETY

W. Terry Coonan
W. Terry Coonan, Chairman

William L. Kerr, Sr.
William L. Kerr, Sr., Member

Solon Jennings
Solon Jennings, Member

I hereby certify that the foregoing contract was ratified and approved by Common Council of the City of Fort Wayne, Indiana on

July 24, 1979.

Charles W. Westerman
Charles W. Westerman, Clerk

4528

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Outside the City Fire Contract 4-79-07-04

DEPARTMENT REQUESTING ORDINANCE Board of Public Safety

SYNOPSIS OF ORDINANCE This would allow the City of Fort Wayne to provide fire

protect for Commercial Warehouse and Cartage, Inc.. They in turn will pay

the City \$2,421.91, which is used to purchase fire equipment.

EFFECT OF PASSAGE The Fort Wayne Fire Department will receive \$2,421.91.

EFFECT OF NON-PASSAGE The Fire Department will lose \$2,421.91.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

DATE SUBMITTED: June 28, 1979